

**STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD**



SAN DIEGO COMMUNITY COLLEGE
DISTRICT,

Charging Party,

v.

AMERICAN FEDERATION OF TEACHERS
GUILD, LOCAL 1931, AFL-CIO,

Respondent.

Case No. LA-CO-815-E

PERB Decision No. 1400

August 31, 2000

Appearance: Liebert Cassidy by Nathan J. Kowalski, Attorney, for San Diego Community College District.

Before Dyer, Amador and Baker, Members.

DECISION AND ORDER

DYER, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by the San Diego Community College District (District) from the Board agent's dismissal of their unfair practice charge. In the charge the District alleges that the American Federation of Teachers Guild, Local 1931, AFL-CIO violated section 3543.6(c) of the Educational Employment Relations Act (EERA)¹ by engaging in bad faith bargaining.

¹EERA is codified at Government Code section 3540 et seq. Unless otherwise noted, all statutory references are to the Government Code. Section 3543.6 reads, in pertinent part:

It shall be unlawful for an employee organization to:

(c) Refuse or fail to meet and negotiate in good faith with a public school employer of any of the employees of which it is the exclusive representative.

On May 16, 2000, the PERB General Counsel's Office (General Counsel) requested that this case be remanded for further investigation. EERA section 3541.3(i)² empowers the Board to investigate unfair practice charges and take the action it deems necessary to effectuate the policies of EERA. The Board concludes that remanding this case to the General Counsel will effectuate the policies of EERA.

Therefore, the Board ORDERS that Case No. LA-CO-815 is REMANDED to the Office of the General Counsel for further investigation.

Members Amador and Baker joined in this Decision.

²EERA section 3541.3 states, in pertinent part:

The board shall have all of the following powers and duties:

(i) To investigate unfair practice charges or alleged violations of this chapter, and take any action and make any determinations in respect of these charges or alleged violations as the board deems necessary to effectuate the policies of this chapter.